

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

CLARA AKALARIAN, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	
)	
AMERICAN HOME MORTGAGE)	Civil Action No. 1:11-cv-427-M
SERVICING, INC., <i>et al.</i> ,)	
)	
Defendants.)	
)	

**MOTION BY DEFENDANTS OCWEN LOAN SERVICING, LLC AND
LITTON LOAN SERVICING LP TO DISMISS THE CLASS ACTION COMPLAINT**

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Ocwen Loan Servicing, LLC and
Litton Loan Servicing LP*

March 27, 2013

Pursuant to the Court's March 20, 2013 Order adopting the recommendation of Deputy Special Master Barbara Hurst that the stay of proceedings in this action be lifted (Docket No. 54), and pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, defendants Ocwen Loan Servicing, LLC ("Ocwen") and Litton Loan Servicing LP ("Litton") (collectively, "Defendants") hereby move to dismiss the Class Action Complaint ("Complaint") filed by plaintiffs. Because plaintiffs have mistakenly named Ocwen and Litton as defendants in this action, and have not alleged – and cannot allege – any facts suggesting the existence of any justiciable case or controversy with respect to Ocwen or Litton, the Complaint should be dismissed with prejudice for lack of standing and lack of subject matter jurisdiction. In support of this Motion, Defendants rely upon the Memorandum of Point and Authorities filed herewith, and the exhibits attached thereto.

WHEREFORE, defendants Ocwen Loan Servicing, LLC and Litton Loan Servicing LP respectfully request that the Court: (1) grant their Motion to Dismiss; (2) dismiss the Complaint against Ocwen and Litton with prejudice; and (3) grant such other relief as the Court deems just and necessary.

Respectfully submitted,

OCWEN LOAN SERVICING, LLC and
LITTON LOAN SERVICING LP,

By their attorneys,

/s/ Thomas F. Holt

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Dated: March 27, 2013

CERTIFICATE OF SERVICE

I hereby certify that this **MOTION BY DEFENDANTS OCWEN LOAN SERVICING, LLC AND LITTON LOAN SERVICING LP TO DISMISS THE CLASS ACTION COMPLAINT** filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non registered participants on March 27, 2013.

/s/ Thomas F. Holt

Thomas F. Holt, Jr.

/s/ Jennifer J. Nagle

Jennifer J. Nagle